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end of the distal most cylindrical shaped segment connected to the interconnected elements which extend from the distal end of the cylindrical shaped segment adjacent thereto.

88. (New) The stent of claim 87 wherein the cylindrical shaped segments which have interconnecting elements extending from the distal end of the segment and from the proximal end of the segment are positioned between the proximal most cylindrical shaped segment and the distal most cylindrical shaped segment.

REMARKS

This Amendment is in response to the Office Action mailed March 20, 2003 wherein pending claims 36-49 were rejected.

The specific rejections to the claims are addressed in the following paragraphs, which have paragraph headings corresponding to the order of the rejections presented in the Final Office Action.

Specification

Applicants acknowledge the Examiner's renumbering of claims 39-50 to 38-49. As indicated above Applicants have amended the instant claims to reflect the new numbering.

Claim Rejection - 35 USC 112, First Paragraph

In the Office Action claims 36-49 were rejected under §112, first paragraph. More specifically, the Office Action indicates that the use of the word "serpentine" in the instant claims does not have original support "because there is no evidence that any winding random shape was originally contemplated." The Office Action further indicates that in the present Application "only an undulating or wave-like shaped strut pattern was contemplated."

In response, Applicants assert that while the term "serpentine" is not present in the specification as filed, Applicants assert that the present use of the word "serpentine" is supported through common usage in the art. For example, U.S. 6485509 and U.S. 6409755 show distinct structures which have elements somewhat similar in configuration to the circumferential bands of

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the instant Application and describe such structures as being "serpentine". One of ordinary skill in the art would recognize that the circumferential bands identified in the instant claims as being similarly "serpentine" in configuration.

Despite the arguments above, it should be noted that in order to further prosecution of the present Application, instant claims 36-49 have been amended to replace the term "serpentine" with the term "undulating".

The Office Action also indicates that in regard to claims 38 and 45 specifically, "there is no support for a differing "pattern" of bands, especially one band having two adjacent bands with different strut lengths from the one band as claimed." In response, Applicants assert that original support is provided in FIG. 4 wherein a stent is shown having two segments (16a) which have different strut lengths than those of the segments (16) (see also page 5, lines 4-9).

In light of the above the rejection is overcome.

Claim Rejections – 35 USC §102

In the Office Action claims 36, 39-41, 43 and 46-48 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,102,417 to Palmaz.

In response Applicants note that independent claims 36 and 43 have been amended to clarify that each of the circumferential bands consist of a plurality of interconnected struts, wherein only at the ends of the struts are adjacent struts connected together and wherein at each end of a strut only one adjacent strut is connected thereto. In addition, the instant claims further clarify that each connecting element extends from only a single location on each of the adjacent undulating circumferential bands.

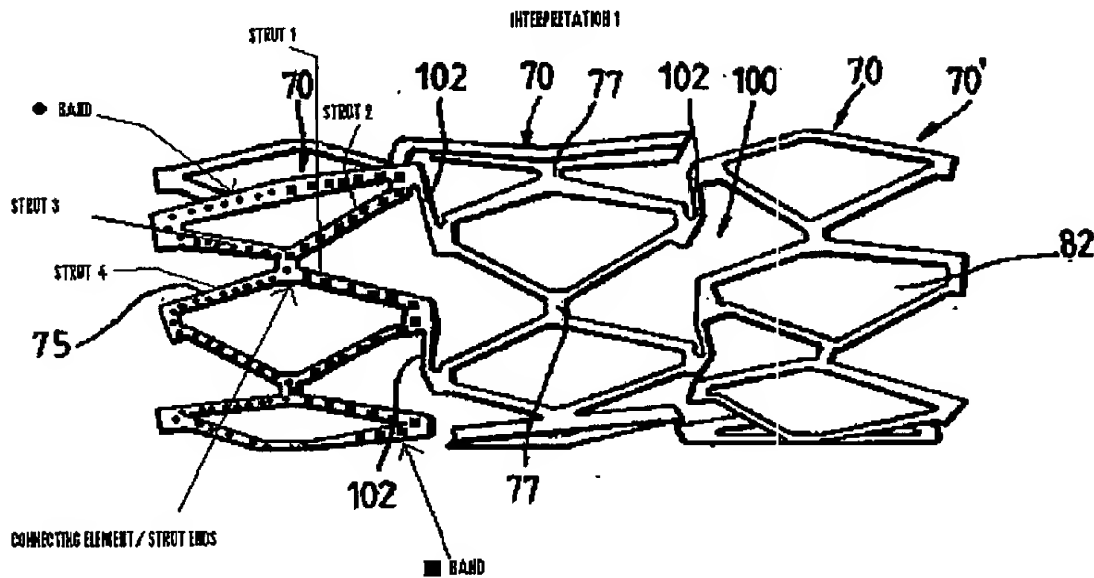
Palmaz does not include all of the elements of the instant claims.

As illustrated below in 'Interpretation 1' of FIG. 10 of Palmaz, if the circumferential bands are interpreted in the manner shown, 4 multiple adjacent struts are connected at a given strut end in contrast with the instant claims. Alternatively, the end portions of adjacent bands that are connected are longitudinally adjacent in contrast to the description of

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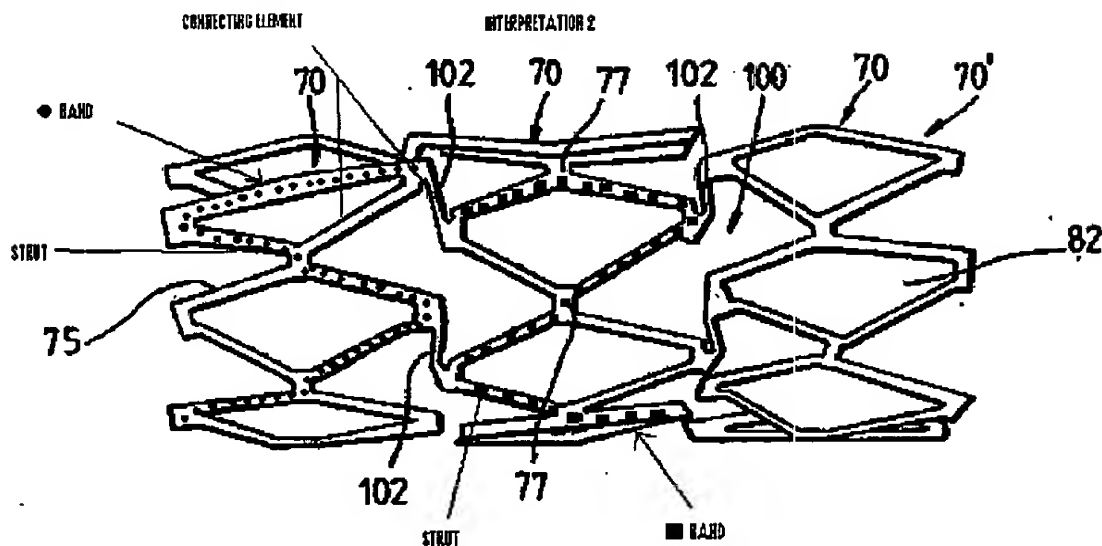
instant claim 36, and the connecting elements connecting the adjacent bands are not apparently longitudinally oblique as instant claim 43 describes.



As shown in 'Interpretation 2' of FIG. 10 of Palmaz, each band while including the recited struts, also includes extraneous features which, if struts, violate the limitation on the manner and location that adjacent struts are connected, or if considered to be some other feature violate the recognized limiting nature of the phrase "consisting of". While some may propose that such extraneous features be considered as part of the connecting elements, if this is the case, than a given connecting element will extend from more than a single location on a band in contrast to the description of the instant claims.

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In light of the above, the rejection is overcome.

Claim Rejections – 35 USC §103

In the Office Action claims 37, 38, 44, and 45 were rejected under 35 U.S.C. §103(a) as being obvious over Palmaz in view of U.S. 5,104,404 to Wolff or an article entitled "Modifications of Gianturco Expandable Wire Stents" by Uchida et al (Uchida), and claims 42 and 49 were rejected under §103(a) as being obvious over Palmaz in view of U.S. 5,745,893 to Lau et al (Lau).

In response, Applicants assert that in light of the above, it is clear that Palmaz fails to teach or suggest all of the elements of the instant claims. The proposed addition of Wolff, Uchida, and/or Lau does nothing to address the failure of Palmaz alone to teach or suggest all of the elements of the instant claims. As such, the rejection is overcome.

New Claims

In addition to the above, Applicants have added new claims 50-88. Claims 50-88 are drawn from claims cancelled from co-pending U.S. Application No. 08/511,076, from which

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the present Application claims priority. It should be noted that in the new claims the reference to "non-parallel" or "diagonally" oriented interconnecting elements has been removed. New claims 50-62 correspond substantially to cancelled claims 1-13 of the '076 Application. New claims 63-80 correspond substantially to cancelled claims 20-37 of the '076 Application. New claims 81-84 correspond substantially to cancelled claims 42-45 of the '076 Application. New claims 85-88 correspond substantially to cancelled claims 47-50 of the '076 Application.

FORMALITIES

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

CONCLUSION

In view of the foregoing it is believed that the present application, with claims 36-88 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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MARKED COPY OF THE AMENDED CLAIMS

36. (Amended) A stent comprising:

a plurality of adjacent [serpentine] undulating circumferential bands, each of the [serpentine] undulating circumferential bands [having] consisting of a plurality of interconnected struts, each strut having a first end and a second end, only at the ends of the struts are adjacent struts connected together, at the first end each strut connected only to one adjacent strut and at the second end each strut connected only to one adjacent strut, each of the undulating circumferential bands having a proximal end region and a distal end region, the proximal end region and the distal end region each having a plurality of end portions; and

a plurality of connecting elements, each connecting element joining end portions of adjacent [serpentine] undulating circumferential bands, each connecting element extending from only a single location on each of the adjacent undulating circumferential bands, wherein the end portions of the adjacent [serpentine] undulating circumferential bands which are joined to one another are not longitudinally opposite one another, some of the [serpentine] undulating bands having connecting elements extending from the proximal end region and the distal end region.

37. (Amended) The stent of claim 36 wherein [each serpentine circumferential band comprises a plurality of interconnected struts,] the interconnected struts having a length, the length of the struts of the [serpentine] undulating circumferential bands at each end of the stent being different than the length of the struts of the [serpentine] undulating circumferential bands positioned therebetween.

38. (Amended) The stent of claim 36 wherein each [serpentine] undulating circumferential band comprises a pattern of interconnected struts, the pattern of at least one circumferential band being different than the pattern of adjacent [serpentine] undulating circumferential bands.

39. (Amended) The stent of claim 36 wherein the stent is expandable from an unexpanded state to an expanded state and each [serpentine] undulating circumferential band comprises a pattern of interconnected struts, in the unexpanded state at least a portion of the interconnected

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struts being parallel to one another.

43. (Amended) A stent comprising:

a plurality of adjacent [serpentine] undulating circumferential bands, each of the [serpentine] undulating circumferential bands [having] consisting of a plurality of interconnected struts, each strut having a first end and a second end, only as the ends are adjacent struts connected together, at the first end each strut connected only to one adjacent strut and at the second end each strut connected only to one adjacent strut, each of the undulating circumferential bands having a plurality of end portions; and

a plurality of connectors, each connector joining two adjacent [serpentine] undulating circumferential bands, each connector having a first end and a second end and a portion extending at an oblique angle relative to a longitudinal axis of the stent, the first end extending from [an] a single end portion of one of the [serpentine] undulating circumferential bands, the second end extending from [an] a single end portion of a [serpentine] undulating circumferential band adjacent thereto.

44. (Amended) The stent of claim 43 wherein [each serpentine circumferential band comprises a plurality of interconnected struts,] the interconnected struts having a length, the length of the struts of the [serpentine] undulating circumferential bands at each end of the stent being different than the length of the struts of the [serpentine] undulating circumferential bands positioned therebetween.

45. (Amended) The stent of claim 43 wherein each [serpentine] undulating circumferential band comprises a pattern of interconnected struts, the pattern of at least one circumferential band being different than the pattern of adjacent [serpentine] undulating circumferential bands.

46. (Amended) The stent of claim 43 wherein the stent is expandable from an unexpanded state to an expanded state and each [serpentine] undulating circumferential band comprises a pattern of interconnected struts, in the unexpanded state at least a portion of the interconnected struts being parallel to one another.

List of copending applications related to the present Application.

U.S. Application No. 08/511,076, Old Docket No. S63.2-5605, New Docket No. S63.2-5605-US01.

U.S. Application No. 09/122,431, Old Docket No. S63.2-7076, New Docket No. S63.2-5605-US02.

U.S. Application No. 09/599,674, Old Docket No. S63.2-9216, New Docket No. S63.2-5605-US03.

U.S. Application No. 09/934,178, Old Docket No. S63.2-10079, New Docket No. S63.2-5605-US05.

U.S. Application No. 10/194,854, Old Docket No. S63.2-10223, New Docket No. S63.2-5605-US06.

U.S. Application No. 09/197,278, Old Docket No. S63.2-6769, New Docket No. S63.2-6769-US01.

U.S. Application No. 09/878,596, Old Docket No. S63.2-9969, New Docket No. S63.2-6769-US02.